IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4586 of 2007(C)

CRMP.1149/2006 of SESSIONS COURT, THODUPUZHA
CRIME NO. 50/2006 of MUNNAR POLICE STATION

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PETITIONER/ACCUSED

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1. MUNISAMI, S/O CHOKLI,
   SOUTH DIVISION LAKSHMI ESTATE,
   KDH VILLAGE, MUNNAR, IDUKKI DISTRICT.

2. ARUN, S/O ARUMUGHARAJ,
   SOUTH DIVISION, LAKSHMI ESTATE,
   KDH VILLAGE, MUNNAR, IDUKKI DISTRICT.

BY ADV. SRI.C.S.SUNIL
SMT.SARITHA SUNIL

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No. 4586 of 2007

Dated this the 30th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 5 and 6 in a crime registered, inter alia, under Section 394 I.P.C. The crux of the allegations is that there are several disputes pending between accused 1 and 2 on the one hand and the defacto complainant on the other. On account of prior animosity, on 12.02.06, the vehicle, in which the defacto complainant and two other advocates were proceeding, was intercepted by the accused persons, 7 in all. They allegedly attacked the defacto complainant with iron rods and caused injuries to him. His bag containing about Rs.12,000/- was also thieved in the incident. Investigation is in progress. Accused 1 to 3 are named in the F.I.R. They are the ones who allegedly had indulged in culpable specific overt acts. The petitioners are not named in the F.I.R. Against them, no specific allegations of overt acts have been raised. Accused 1 and 2 have already been granted anticipatory bail. Investigation is substantially over. It is, in these circumstances, prayed that direction under Section 438 Cr.P.C may be issued in favour of the petitioners herein also.

2. The learned Public Prosecutor opposes the application. He submits that the allegations are serious. He concedes that there is no specific overt acts alleged against the petitioners. It is also submitted that accused 1 to 3 have been arrested and interrogated. No recoveries have been effected. I am, in these circumstances, satisfied that notwithstanding the opposition by the learned Public Prosecutor, the petitioners can also be granted anticipatory bail as in the case of Accused 1 and 2.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 06.08.2007. They shall be enlarged on regular bail on their executing bonds for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 07.08.2007, 08.08.2007 & 09.08.2007. During this period, the petitioners can be interrogated in custody. Thereafter the petitioners shall make themselves available for interrogation before the Investigating Officer between between 10 a.m and 12 noon on all

Mondays and Fridays and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 06.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.1,00,000/- (Rupees One Lakh only) without any sureties undertaking to appear before the learned Magistrate on 06.08.07.

(R.BASANT, JUDGE)

rtr/-